

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2003-0213-MWD-E TCEQ ID NO.: RN102676715 CASE NO.: 18779**RESPONDENT NAME: ROBERT PERRY DBA AMERICAN CAMP AND MOBILE HOME PARK**

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 1500 feet from the banks of the Amistad Reservoir at 10348 West Highway 90, Del Rio, Val Verde County</p> <p>TYPE OF OPERATION: Recreational vehicle park and mobile home subdivision</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on February 6, 2002, regarding waste water pooling and flowing from system. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: Val Verde County Health Department, ED, and the Respondent have expressed an interest in this matter. The complainant has not indicated a desire to protest at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012 TCEQ Regional Contact: Ms. Rose Luna-Pirtle, Laredo Regional Office, MC R-16, (956) 753-4052 Respondent: Mr. Robert Perry, Owner, American Camp and Mobile Home Park, P.O. Box 4250, Del Rio, Texas 78840 Respondent's Attorney: Mr. Jacques De La Mota, Attorney, P.O. Box 421669, Del Rio, Texas 78842</p>		

**RESPONDENT NAME: ROBERT PERRY DBA AMERICAN CAMP
AND MOBLE HOME PARK
DOCKET NO.: 2003-0213-MWD-E**

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VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: February 6, 2002</p> <p>Dates of Investigations: February 25, 2002 and August 27, 2002</p> <p>Dates of NOEs Relating to this Case: March 25, 2002 and November 4, 2002</p> <p>Background Facts:</p> <p>The Laredo Regional Office conducted an investigation of a Val Verde mobile home/camp ground wastewater system. The investigation revealed that the amount of wastewater allowed to be discharged was exceeded. After unsuccessful attempts to resolve the matter, the case was referred to the Litigation Division which referred it to SOAH. Respondent eventually signed an Agreed Order.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>MWD:</p> <p>Failed to obtain a permit prior to discharging waste into or adjacent to waters in the state [TEX. WATER CODE § 26.121(a)(1)].</p>	<p>Initial Calculated Penalty: \$5,250</p> <p>*Total Assessed: \$4,200</p> <p>Total Deferred: 0</p> <p>Total Paid/Due to General Revenue: \$175/\$4,025</p> <p>The Respondent has paid \$175 of the administrative penalty. The remaining amount of \$4,025 of the administrative penalty shall be payable in 23 payments of \$175 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>* The penalty was reduced based on factors related to the risk of litigation.</p>	<p>Ordering Provisions</p> <p>Respondent shall immediately undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Cease all unauthorized discharges. 2. Begin to pump all sewage waste into a closed container. 3. Begin transporting all sewage waste created at the Facility to an offsite disposal location licensed to accept such waste. The removal of the sewage waste shall be performed by a sewage transporter licensed by the Commission. 4. Begin keeping records of all sewage waste transported offsite by obtaining and maintaining copies of each of the transporter's trip tickets. 5. Within 30 days submit an administratively complete permit application. <ol style="list-style-type: none"> a. Begin submitting copies of all trip tickets on a monthly basis until the permit required by the above Ordering Provision is approved by the Commission. 6. Pay all outstanding fee, including any associated penalties and interest and with the notation "Robert Perry dba American Camp and Mobil Home Park; TCEQ FA Account 92330023.



Policy Revision 2 (09/02)

Penalty Calculation Worksheet (PCW)

PCW Revision 11/15/02

DATES

PCW 22-Jul-2003

Screening 9-Dec-2002

Priority Due 8-Apr-2003

EPA Due

RESPONDENT INFORMATION

Respondent Robert Perry dba American Camp and Mobile Home Park

Respondent/Site ID No(s) TCEQ RN No. 102676715

Facility/Site Region 16 - Laredo

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No(s) 18779, Case 1

Docket No. 2003-0213-MWD-E

No. Violations 1

Case Priority 4

Order Type 1660 without deferral

Enf. Coordinator Rebecca Clausewitz

EC's Unit/Region Enforcement Team D

Media Program(s) Water Quality

Admin. Penalty \$ Limit

Minimum

\$0

Maximum

\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

5% Enhancement

Subtotals 2, 3 & 7

\$250

Notes

The penalty enhancement is for the NOV that initiated this enforcement action, dated March 25, 2002.

+

Culpability

0% Enhancement

Subtotal 4

\$0

No

Select Yes/No

Notes

The Respondent does not meet the culpability criteria.

+

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

None of the above

X

(mark with small x)

Notes

The Respondent is not yet in compliance.

+

Economic Benefit

0% Enhancement*

Subtotal 6

\$0

\$14,334

Total EB Amounts

*Capped at the Total EB \$ Amount

\$9,200

Approx. Cost of Compliance

=

SUM OF SUBTOTALS 1-7

Final Subtotal

\$5,250

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)

Notes

=

Final Penalty Amount

\$5,250

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$5,250

DEFERRAL

Deferral

Reduction

Adjustment

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)

Notes

No deferral is recommended because the Respondent failed to settle within the 60-day settlement period.

=

PAYABLE PENALTY

\$5,250

Screening Date 9-Dec-2002

Docket Number 2003-0213-MWD-E

PCW

Respondent Robert Perry dba American Camp and Mobile Home Park

Policy Revision 2 (09/02)

Case ID No. 18779, Case 1

PCW Revision 11/15/02

Respondent/Site ID No. TCEQ RN No. 102676715

Media [Statute] Water Quality

Enf. Coordinator Rebecca Clausewitz

Site Address American Camp and Mobile Home Park, 10348 West Highway 90, Del Rio, Texas 78840

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which no violations were disclosed)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No ☐ Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer ☐ Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance
History
Notes

The penalty enhancement is for the NOV that initiated this enforcement action, dated March 25, 2002.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 5%

Screening Date	09-Dec-02	Docket Number	2003-0213-MWD-E	PCW						
Respondent	Robert Perry dba American Camp and Mobile Home Park	Policy Revision 2 (09/02)								
Case ID No.	18779, Case 1	PCW Revision 11/15/02								
Respondent/Site ID No.	TCEQ RN No. 102676715									
Media [Statute]	Water Quality									
Enf. Coordinator	Rebecca Clausewitz									
Violation Number	1									
Primary Rule Cite	Tex. Water Code § 26.121(a)(1)									
Secondary Cite(s)										
Violation Description	<p>Failure to receive Commission authorization by obtaining a permit prior to discharging sewage adjacent to waters in the state. Specifically, the Respondent's wastewater treatment system has a through-put of approximately 8,000 gallons per day, exceeding the 5,000 gallon per day limit that would enable the Respondent to operate the system as an on-site sewage facility that does not require a permit.</p>									
Base Penalty				\$10,000						
» Environmental, Property and Human Health Matrix										
	Harm									
	Release	Major	Moderate	Minor						
OR	Actual									
	Potential									
Percent										
» Programmatic Matrix										
	Falsification	Major	Moderate	Minor						
OR		x								
Percent				10%						
Matrix Notes	100% of the rule requirement was not met because the Respondent was operating without Commission authorization.									
Adjustment				-\$9,000						
Base Penalty Subtotal				\$1,000						
Violation Events										
Number of Violation Events		5								
mark only one; use small x	daily monthly quarterly semiannual annual single event	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px; text-align: center;">x</td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table>					x			
x										
Violation Base Penalty				\$5,000						
Events Notes	Five quarterly events are recommended for the time frame from the date of the initial investigation, February 25, 2002, to the end of the 60-day settlement period, May 9, 2003.									
Economic Benefit (EB) for this violation		Statutory Limit Test								
Estimated EB Amount (\$)		\$14,334		Violation Final Penalty total						
				\$5,250						
This Violation Final Assessed Penalty (adjusted for limits)				\$5,250						

Economic Benefit Worksheet

Respondent Robert Perry dba American Camp and Mobile Home Park
ID Number(s) 18779, Case 1
Media [Statute] Water Quality
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,000	25-Feb-2002	9-Jan-2004	1.9	\$187	n/a	\$187
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount required to obtain a TPDES permit, calculated for the time frame from the date of the initial investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$7,200	25-Feb-2002	9-Jan-2004	1.9	\$674	\$13,473	\$14,147
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount required to store and transport all sewage waste offsite (\$600 per month), calculated for the time frame from the date of the inspection to the estimated date of compliance.

Approx Cost of Compliance \$9,200

TOTAL \$14,334

COMPLIANCE HISTORY

Customer/Respondent/Owner-Operator: Perry, Robert Classification: Average

Regulated Entity/ID Nos.: American Camp and Mobile Home Park Site Rating: 1.6667
Water Quality ID No. None

Location [physical address or description of location (street, highway, FM, etc.) including city or nearest city, and county]: 10348 West Highway 90, 6 Miles West of Del Rio, Val Verde County 78840 Repeat Violator: (y/n) n

TCEQ Region No. Region 16

Date Compliance History Prepared: January 8, 2003

Agency Decision Requiring Compliance History (mark one):

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

the issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit

enforcement

the use of announced investigations (Field Ops)

participation in innovative programs

Compliance Period: January 8, 1998 – January 8, 2003

TCEQ staff person to contact for additional information regarding this compliance history:

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? ☒ Yes ☐ No ☐ Unk
2. Has there been a (known) change in ownership of the site during the compliance period? ☐ Yes ☒ No ☐ Unk
3. If Yes, who is the current owner? _____
4. If Yes, who was/were the prior owner(s)? _____
5. When did the change(s) in ownership occur? _____

Components (multimedia) for the Site during the portion of the five-year compliance history the site was owned by the person who is the subject of this compliance history:

A. Final enforcement orders, court judgments, and consent decrees of the state of Texas and the federal government

1. Effective Date: N/A Type of Action: _____
Violation Citation 1: _____ Classification: _____
Violation Description: _____

B. Any criminal convictions of the state of Texas and the federal government.

Conviction Date: N/A

Count 1: _____

C. Chronic excessive emissions events: None

D. The dates of investigations.

1. August 27, 2002
2. October 7, 2002

E. Written notices of violation (NOV)

1. Date: March 25, 2002 Self-reported? ☐ Yes ☒ No
Violation Citation 1: Tex. Water Code § 26.121(a)(1) Classification: MAJOR
Violation Description: Failure to obtain a permit prior to discharging effluent into any water in the state.

F. Environmental audits.

1. Notice of Intent Date: N/A
Disclosure Date:
Violation Citation 1: Classification:
Violation Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

State: N/A

Site Name:

Location:

Type of Action:

Effective Date:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ROBERT PERRY DBA
AMERICAN CAMP AND MOBILE
HOME PARK,
RN102676715**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2003-0213-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Robert Perry dba American Camp and Mobile Home Park ("Mr. Perry") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Perry appear before the Commission and together stipulate that:

1. Mr. Perry owned and operated a recreational vehicle park and mobile home subdivision located approximately 1500 feet from the banks of the Amistad Reservoir at 10348 West Highway 90 in Del Rio, Val Verde County, Texas. This location includes a water treatment plant to serve the subdivision and campground (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26.
3. The Commission and Mr. Perry agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Perry is subject to the Commission's jurisdiction.
4. Mr. Perry received notice of the violation alleged in Section II ("Allegations") on or about March 20, 2002 and November 4, 2002.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Perry of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

Robert Perry dba American Camp and Mobile Home Park

Docket No. 2003-0213-M.D.-E

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6. An administrative penalty in the amount of four thousand two hundred dollars (\$4,200.00) is assessed by the Commission in settlement of the violation alleged in Section II ("Allegations"). Mr. Perry has paid one hundred seventy-five dollars (\$175.00) of the administrative penalty. The remaining four thousand twenty-five dollars (\$4,025.00) of the administrative penalty shall be payable in twenty-three (23) payments of one hundred seventy-five dollars (\$175.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If Mr. Perry fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure by Mr. Perry to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Perry to timely and satisfactorily comply with all the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Perry have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Perry has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Perry is alleged to have violated TEX. WATER CODE § 26.121(a)(1) by failing to obtain a permit prior to discharging waste into or adjacent to waters in the state. Specifically, the wastewater treatment system at the Facility has a capacity of over 36,000 gallons per day, exceeding the 5,000 gallon per day limit that would enable it to be operated as an on-site sewage facility and thus, not require a permit. During an investigation on February 25, 2002 and a record review conducted on August 27, 2002, TCEQ staff documented that sewage was being discharged adjacent to the Amistad Reservoir.

III. DENIALS

Mr. Perry generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Perry pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Perry's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Robert Perry dba American Camp and Mobile Home Park, Docket No. 2003-0213-M.D.-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Perry shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Mr. Perry shall:
 - I. Cease all unauthorized discharges;

- ii. Begin to pump all sewage waste into a closed container. The waste shall be stored in accordance with 30 TEX. ADMIN. CODE § 312.147;
 - iii. Begin transporting all sewage waste created at the Facility to an offsite disposal location licensed to accept such waste. The removal of the sewage waste shall be performed by a sewage transporter licensed by the Commission, in accordance with 30 TEX. ADMIN. CODE § 312.142; and
 - iv. Begin keeping records of all sewage waste transported offsite by obtaining and maintaining copies of each of the transporter's trip tickets that are required under 30 TEX. ADMIN. CODE § 312.145.
- b. Within 30 days after the effective date of this Agreed Order, Mr. Perry shall:
- I. Submit an administratively complete permit application in accordance with 30 TEX. ADMIN. CODE § 305 (relating to Consolidated Permits) to:

Water Quality Applications Team, Permits Review Section
Registration, Review, and Reporting Division, MC 161
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Begin submitting copies of all trip tickets on a monthly basis until the permit required by Ordering Provision 2.b.i. is approved by the Commission; and
 - iii. Pay all outstanding fees, including any associated penalties and interest and with the notation "Robert Perry dba American Camp and Mobil Home Park; TCEQ FA Account 92330023" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
Austin, Texas 78711-3088
- c. Mr. Perry shall respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;
- d. Within 300 days after the effective date of this Agreed Order, Mr. Perry shall submit written certification that either authorization to operate has been obtained or that

Robert Perry dba American Camp and Mobile Home Park

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closed storage and transportation offsite of the sewage waste will continue as specified under Ordering Provisions 2.a.i. through 2.a.iv. until authorization to Operate is obtained; and

- e. Mr. Perry shall submit copies of all correspondence, reports, and documentation required by these Ordering Provisions to:

Ms. Rebecca Clausewitz, Enforcement Coordinator
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

and:

Ms. Rose Luna-Pirtle, Manager
Laredo Regional Office
Texas Commission on Environmental Quality
1403 Seymour, Suite 2
Laredo, Texas 78040-8752

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Perry. Mr. Perry is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. Perry fails to comply with any of the Ordering Provisions in this Agreed Order, within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Perry's failure to comply is not a violation of this Agreed Order. Mr. Perry shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Perry shall notify the Executive Director within seven days after Mr. Perry becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Perry shall be made in writing to the Executive Director. Extensions are not effective until Mr. Perry receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

Robert Perry dba American Camp and Mobile Home Park

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- 6.. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Perry in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted on an order or permit issued by the Commission under such statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
6. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Perry, or three days after the date on which the Commission mails notice of the Order to Mr. Perry, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

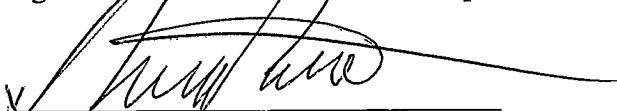
Robert Perry dba American Camp and Mobile Home Park
DOCKET NO. 2003-0213-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

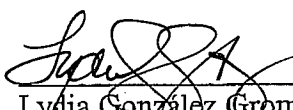


Signature

12/3/04
Date

Robert Perry
Name (Printed or typed)
Authorized representative of
Robert Perry dba American Camp and Mobile Home Park

12/3/04
Title



Lydia Gonzalez Gromatzky
Deputy Director
Office of Legal Services
Texas Commission on Environmental Quality

2-1-05
Date

Instructions: Send the original signed Signature Page and all pages of this Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.